Permit No.: SD0000299

SOUTH DAKOTA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

Surface Water Discharge Permit
Authorizing Discharge
Under The South Dakota Surface Water Discharge System

In compliance with the provisions of the South Dakota Water Pollution Control Act and the Administrative Rules of South Dakota, Article 74:52,

U.S. Geological Survey's National Center for Earth Resources Observation Science (EROS) Data Center

is authorized under this permit to discharge to

an ***unnamed tributary of West Pipestone Creek***

from its facility located about 13 miles northeast of the city of Sioux Falls, in the South ½ of Section 8, Township 103 North, Range 48 West, in Minnehaha County, South Dakota (Latitude 43.737611°, Longitude -96.620694°), in accordance with discharge points, effluent limits, monitoring requirements, and other conditions set forth herein. Authorization is limited to those outfalls specifically listed in the permit. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the South Dakota Water Pollution Control Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

This permit shall become effective [DATE].

This permit and the authorization to discharge shall expire at midnight, [EXPIRATION DATE].

Signed this day of ,

_____

Authorized Permitting Official

Steven M. Pirner
Secretary
Department of Environment and Natural Resources

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APPENDIX A – Emergency Release Reporting Form

1.0 DEFINITIONS

"30-day (and monthly) Average" means the arithmetic average of all samples collected during a consecutive 30-day period or calendar month, whichever is applicable. The calendar month shall be used for purposes of reporting self-monitoring data on discharge monitoring report forms.

"7-day (and weekly) Average" means the arithmetic mean of all samples collected during a consecutive 7-day period or calendar week, whichever is applicable. The calendar week that begins on Sunday and ends on Saturday, shall be used for purposes of reporting self-monitoring data on discharge monitoring report forms. Weekly averages shall be calculated for all calendar weeks with Saturdays in the month. If a calendar week overlaps two months (i.e., the Sunday is in one month and the Saturday in the following month), the weekly average calculated for that calendar week shall be included in the data for the month that contains the Saturday.

"Acute Toxicity" occurs when 50 percent or more mortality is observed for either species (See **Section 3.6**) at any effluent concentration. Mortality in the control must simultaneously be 10 percent or less for the effluent results to be considered valid.

The "**Approval Authority"** is the Secretary of the South Dakota Department of Environment and Natural Resources.

"ARSD" means the Administrative Rules of South Dakota.

An **"Authorized Release"** is a discharge from a permitted outfall that meets all permit conditions and effluent limits.

"Biosolids" means any sewage sludge or material derived from sludge that can be beneficially used. Beneficial use includes, but is not limited to, land application to agricultural land, forest land, a reclamation site or sale or give away to the public for home lawn and garden use.

"BOD_5" means Five-Day Biochemical Oxygen Demand. BOD is a measurement of the amount of oxygen utilized by the decomposition of organic material, over a specified time period (usually 5 days) in a sample.

A **"Bypass"** is the intentional diversion of waste streams from any portion of a collection system or treatment facility other than the permitted outfall(s). Bypasses do not include emergency releases from the treatment facility (see **"Emergency Discharge"**). If a bypass results in a release of wastewater, it shall be sampled and reported as an emergency discharge from the treatment facility.

"Chronic Toxicity" occurs when the survival, growth, or reproduction, as applicable, for either test species, at the effluent dilution(s) designated in this permit (see **Section 3.7**), is significantly less (at the 95 percent confidence level) than that observed for the control specimens

"Composite Samples" shall be flow proportioned. The composite sample shall contain at least four samples collected over the compositing period. Unless otherwise specified, the time

between the collection of the first sample and the last sample shall not be less than six hours nor more than 24 hours. Acceptable methods for preparation of composite samples are as follows:

1. Constant time interval between samples, sample volume proportional to flow rate at time of sampling;

2. Constant time interval between samples, sample volume proportional to total flow (volume) since last sample. For the first sample, the flow rate at the time the sample was collected may be used;

3. Constant sample volume, time interval between samples proportional to flow (i.e., sample taken every "X" gallons of flow); and,

4. Continuous collection of sample, with sample collection rate proportional to flow rate.

"Daily Maximum (Daily Max.)" is the maximum value allowable in any single sample or instantaneous measurement.

"DMR" means Discharge Monitoring Report, EPA Form 3320-1, or a report filed electronically by an EPA-approved electronic system, which is used to report sampling data.

An **"Emergency Discharge"** is a discharge from the treatment or containment system through a release structure or over or through retention dikes or walls. An emergency discharge is distinguished from a sanitary sewer overflow in that a sanitary sewer overflow discharges wastewater prior to reaching the treatment or containment system. An emergency discharge must meet the conditions of Section 3.2.1.

"EPA" or **"US EPA"** means United States Environmental Protection Agency.

"Existing Source" means any building, structure, facility or installation from which there is or may be a discharge of pollutants, which is not considered a New Source.

A **"Grab Sample**,**"** for monitoring requirements, is a single "dip and take" sample collected at a representative point in the discharge stream.

"IC25" (inhibition concentration) is a point estimate of the toxicant concentration that would cause a 25% reduction in a nonlethal biological measurement of the test organism, such as reproduction or growth.

An **"Industrial User"** is a non-domestic source of pollutants discharged into a publicly owned treatment works.

An **"Instantaneous Measurement**,**"** for monitoring requirements, is a single reading, observation, or measurement either taken at the facility or within 15 minutes of the sample.

"MGD" is the measure of flow rate meaning million gallons per day.

"NOEC" (no observed effect concentration) is the highest tested concentration of an effluent or a toxicant at which no adverse effects are observed on the aquatic test organism at a specific time of observation. Determined using hypothesis testing.

"New Source" means any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the promulgation of standards of performance under Section 306 of the Federal Clean Water Act which will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:

1. The building, structure, facility or installation is constructed at a site at which no other source is located; or

2. The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

3. The wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent; factors, such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.

Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of a or b of this section but otherwise alters, replaces, or adds to existing process or production equipment. Construction of a new source has commenced if the owner or operator has:

1. Begun, or caused to begin as part of a continuous onsite construction program:

    a. Any placement, assembly, or installation of facilities or equipment; or

    b. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment.

2. Entered into a binding contractual obligation for the purchase of facilities or equipment which is intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts of feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

"pH" is the measure of the hydrogen ion concentration of water or wastewater; expressed as the negative log of the hydrogen ion concentration. A pH of 7 is neutral. A pH less than 7 is acidic, and a pH greater than 7 is basic.

"Process Wastewater" means any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by-product, or waste product.

A **"Publicly-Owned Treatment Works"** or **"POTW"** is any device or system used in the treatment, including recycling and reclamation, of municipal sewage or industrial waste of a liquid nature that is owned by the state or a municipality. This term includes sewers, pipes, or other conveyances only if they convey wastewater to a publicly owned treatment works providing treatment.

A **"Sanitary Sewer Overflow"** or **"SSO"** is the intentional or unintentional discharge of untreated sewage from the sanitary sewer collection system, including sewer lines, manholes, lift stations, etc.

"SDDENR" means the South Dakota Department of Environment and Natural Resources.

"Secretary" means the Secretary of the South Dakota Department of Environment and Natural Resources, or authorized representative.

"Severe Property Damage" is substantial physical damage to property, damage to the treatment facilities that causes them to become inoperable, or substantial and permanent loss of natural resources that can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

"Sewage Sludge" is any solid, semi-solid, or liquid residue removed during the treatment of municipal wastewater or domestic sewage. Sewage sludge includes but is not limited to solids removed during primary, secondary or advanced wastewater treatment, scum, septage, portable toilet pumpings, and sewage sludge products. Sewage sludge does not include grit, screenings, or ash generated during the incineration of sewage sludge.

A **"Significant Industrial User"** is defined as an industrial user discharging to a publicly-owned treatment works (POTW) that satisfies any of the following:

1. Is subject to Categorical Pretreatment Standards under ARSD Chapter 74:52:10 (a.b.r. 40 CFR 403.6 and 40 CFR chapter I, subchapter N);

2. Discharge an average of 25,000 gallons per day or more of process wastewater to the publicly owned treatment works (excluding sanitary, non-contact cooling water, and boiler blowdown wastewater);

3. Contributes a process wastewater that makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the publicly owned treatment works; or,

4. Is designated as such by the Secretary on the basis that the Industrial User has a reasonable potential for adversely affecting the publicly owned treatment works or for violating any pretreatment standard or requirement.

"Toxic Pollutant" is any pollutant listed as toxic under §307(a)(1) of the Federal Clean Water Act.

"TSS" means Total Suspended Solids. TSS is a measure of the filterable solids present in a sample.

An **"Unauthorized release"** is a discharge from the treatment or containment system through a release structure or over or through retention dikes or walls that does not meet all permit conditions or effluent limits. An unauthorized release is distinguished from an emergency discharge in that a permittee must document the discharge meets the conditions of Section 3.2.1. to be considered an emergency discharge.

"Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limits because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

2.0 PERMIT COVERAGE

2.1 Permit Transfers

1. Coverage under this permit may be transferred to a new permittee if:

    a. The signatory authority notifies the Secretary at least 30 days in advance of the proposed transfer date;

    b. The notice includes a written agreement between the existing and new permittee containing a specific date for transfer of permit responsibility, coverage, and liability between them; and

    c. The new permittee submits a Certification of Applicant form certifying the new permittee is qualified to perform the obligations of a permit holder in accordance with South Dakota Codified Law 1-40-27.

2. The Secretary will notify the existing and new permittee of his or her intent to transfer, modify, or revoke and reissue the permit based on the information received and other permit information.

2.2 Reopener Provisions

This permit may be reopened and modified (following proper administrative procedures) to include the appropriate effluent limits (and compliance schedules, if necessary), or other appropriate requirements if one or more of the following events occurs:

1. Water Quality Standards: The water quality standards of the receiving waters applicable to this permit are modified in such a manner as to require different effluent limits than contained in this permit;

2. Water Quality Management Plan: A revision to the current water quality management plan is approved and adopted that calls for different effluent limits than contained in this permit;

3. Effluent Guidelines: Effluent limit guidelines are promulgated or revised for point sources covered by this permit;

4. Total Maximum Daily Load: Additional controls in the permit are necessary to implement a total maximum daily load approved by the Secretary and/or EPA;

5. Noncompliance: The discharger is a significant contributor of pollution to waters of the state, presents a health hazard, or is in noncompliance with the conditions of the permit;

6. Whole Effluent Toxicity: Whole effluent toxicity is detected in the discharge; or

7. Pretreatment Program: The permittee is required to develop and implement a pretreatment program, regulating indirect discharges of wastewater into its publicly owned treatment works; or

8. Other Changes: Other conditions or standards change so that the discharge no longer qualifies for this permit, such as the permittee being designated as a major discharger, changes in necessary influent or effluent pollutant monitoring, additional industrial pretreatment requirements become applicable to the permittee, or other items.

2.3 Toxicity Limit-Reopener Provision

This permit may be reopened and modified (following proper administrative procedures) to include a new compliance date, additional or modified numerical limits, a new or different compliance schedule, a change in the whole effluent protocol, or any other conditions related to the control of toxicants if one or more of the following events occur:

1. Toxicity was detected late in the life of the permit near or past the deadline for compliance.

2. The TRE results indicate that compliance with the toxic limits will require an implementation schedule past the date for compliance and the permit issuing authority agrees with the conclusion.

3. The TRE results indicate that the toxicant(s) represent pollutant(s) that may be controlled with specific numerical limits, and the permit issuing authority agrees that numerical controls are the most appropriate course of action.

4. Following the implementation of numerical controls on toxicants, the permit issuing authority agrees that a modified whole effluent protocol is necessary to compensate for those toxicants that are controlled numerically.

5. The TRE reveals other unique conditions or characteristics which, in the opinion of the permit issuing authority, justify the incorporation of unanticipated special conditions in the permit.

2.4 Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after its expiration date, the permittee must apply for and obtain coverage under a new permit. The permit application must be submitted at least 180 days before the expiration date of this permit. Periodically during the term of this permit and at the time of reissuance, the permittee may be requested to reaffirm its eligibility to discharge under this permit.

2.5 Continuation of the Expired Permit

An expired permit continues in full force and effect until a new permit is issued. If the permittee wishes to continue an activity regulated by this permit after its expiration date, the permittee must submit an application at least 180 days before the expiration date of the permit.

2.6 Property Rights

1. The Secretary's issuance of this permit, adoption of design criteria, and approval of plans and specifications, does not convey any property rights of any sort, any exclusive privileges, any authorization to damage, injure or use any private property, any authority to invade personal rights, any authority to violate federal, state or local laws or regulations, or any taking, condemnation or use of eminent domain against any property owned by third parties.

2. The State does not warrant that the permittee's compliance with this permit, design criteria, approved plans and specifications, and operation under this permit, will not cause damage, injury or use of private property, an invasion of personal rights, or violation of federal, state or local laws or regulations. The permittee is solely and severably liable for all damage, injury or use of private property, invasion of personal rights, infringement of federal, state or local laws and regulations, or taking or condemnation of property owned by third parties, that may result from actions taken under the permit.

2.7 Permit Actions

The Secretary may modify, revoke and reissue, or terminate coverage under this permit for cause, including failure to comply with any provision of this permit or any condition imposed by the Secretary upon granting coverage under this permit. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

2.8 Severability

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

3.0 EFFLUENT LIMITS

3.1 Description of Discharge Points

The authorization to discharge provided under this permit is limited to those outfalls specifically designated below as discharge locations. Discharges at any location not authorized under this permit is a violation of the South Dakota Water Pollution Control Act and could subject the person(s) responsible for such discharge to penalties under Section 34A-2-75 of the Act. Knowingly discharging from an unauthorized location or failing to report an unauthorized discharge within a reasonable time from the permittee first learning of an unauthorized discharge could subject the permittee to penalties as provided under the South Dakota Water Pollution Control Act.

Outfall Number	**Description of Discharge Points**
001	Any discharge from the V-notch Weir in Cell #5 to an unnamed tributary of West Pipestone Creek (Latitude 43.735111°, Longitude -96.614417°).

3.2 Emergency Discharges

1. Discharges of wastewater are prohibited from locations other than the discharge points described in **Section 3.1– Description of Discharge Points**. The Secretary may take enforcement action against a permittee, unless the discharge or sanitary sewer overflow is an emergency and meets each of the following conditions:

    a. The emergency discharge was unavoidable to prevent loss of life, threat to public health, personal injury, or severe property damage;

    b. There were no feasible alternatives to the emergency discharge, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment or proper operation and maintenance to prevent an emergency release that occurred during normal periods of equipment downtime or preventive maintenance; and,

    c. The permittee submitted notices as required under **Section 4.8 – Emergency Releases, Sanitary Sewer Overflows, Upsets, and Unauthorized Releases Reporting Requirements.**

2. If an emergency discharge occurs or is expected to occur, the permittee shall take the appropriate measures to minimize the discharge of pollutants. Such measures may include the closing of facilities that contribute wastewater until the discharge is terminated.

3. Any emergency discharge that meets the conditions of paragraph 1 above shall be reported as soon as possible (but in no case more than 24 hours after becoming

aware of the circumstances) in accordance with the provisions in **Section 4.8 – Emergency Releases, Sanitary Sewer Overflows, Upsets, and Unauthorized Releases Reporting Requirements**. The report shall be made to the Secretary at (605) 773-3351 during regular business hours (8:00 a.m. – 5:00 p.m. Central Time) or to the South Dakota Emergency Management at (605) 773-3231 any other time.

3.3 Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and treatment and control systems that are installed or used by the permittee to achieve compliance with the conditions of this permit or other conditions required by the Secretary upon issuance.

1. This may include the maintenance of freeboard levels of lagoons or holding ponds.

2. Proper operation and maintenance may also include adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems that are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

3.4 Interim Effluent Limits – *Outfall 001*

No discharge shall occur from this facility until the facility has shown no toxicity is detected by obtaining and analyzing a valid acute whole effluent toxicity sample and receives permission to discharge from SDDENR. Effective immediately and lasting through **April 30, 2014**, the quality of effluent discharged by the facility shall, as a minimum, meet the limits as set forth below:

Effluent Characteristic	Effluent Limit	
	30-Day Average [1]	Daily Maximum [1]
Five Day Biochemical Oxygen Demand (BOD_5), mg/L	NA	20
Total Suspended Solids (TSS), mg/L	NA	30
Fecal Coliform, no./100 mL [2] (May 1 – September 30)	1,000	2,000
Ammonia-Nitrogen (as N), mg/L		
January 1 – January 31	5.6	12.6
February 1 – February 29	5.6	12.6
March 1 – March 31	4.2	12.6
April 1 – April 30	3.2	10.3
May 1 – May 31	1.2	9.5
June 1 – June 30	1.2	9.5
July 1 – July 31	1.2	9.5
August 1 – August 31	1.2	8.0
September 1 – September 30	1.2	9.5
October 1 – October 31	1.2	9.5
November 1 – November 30	5.2	10.3
December 1 – December 31	5.6	12.6

[1] See Definitions.

[2] Fecal Coliform organisms from May 1 to September 30 shall not exceed a concentration of 1,000 per 100 milliliters as a geometric mean based on a minimum of five samples obtained during separate 24-hour periods for any calendar month. They shall not exceed 2,000 per 100 milliliters in any one sample from May 1 to September 30.

Effluent Characteristic	Effluent Limit	
	30-Day Average [1]	**Daily Maximum** [1]
Oil and Grease (hexane ext.), mg/L	N/A	10.0
Weak Acid Dissociable (WAD) Cyanide, µg/L	8.0	58.8
The pH of the discharge shall not be less than 6.5 standard units nor greater than 9.0 standard units in any sample.		
The discharge shall not impart a visible film or sheen to the surface of the water or adjoining shorelines.		
No chemicals, such as chlorine, shall be used without prior written permission.		
There shall be no Acute Whole Effluent Toxicity in the discharge, as measured by the WET test.		

3.5 Final Effluent Limits – *Outfall 001*

No discharge shall occur from this facility until the facility has shown no toxicity is detected by obtaining and analyzing a valid acute whole effluent toxicity sample and receives permission to discharge from SDDENR. Effective **May 1, 2014** and lasting through the life of this permit, the quality of effluent discharged by the facility shall, as a minimum, meet the limits as set forth below:

Effluent Characteristic	Effluent Limit	
	30-Day Average [1]	Daily Maximum [1]
Five Day Biochemical Oxygen Demand (BOD_5), mg/L	NA	20
Total Suspended Solids (TSS), mg/L	NA	30
Escherichia coli (*E. coli*) no./100 mL [2] (May 1 – September 30)	630	1,178
Ammonia-Nitrogen (as N), mg/L		
January 1 – January 31	5.6	12.6
February 1 – February 29	5.6	12.6
March 1 – March 31	4.2	12.6
April 1 – April 30	3.2	10.3
May 1 – May 31	1.2	9.5
June 1 – June 30	1.2	9.5
July 1 – July 31	1.2	9.5
August 1 – August 31	1.2	8.0
September 1 -- September 30	1.2	9.5
October 1 – October 31	1.2	9.5
November 1 – November 30	5.2	10.3
December 1 – December 31	5.6	12.6
Oil and Grease (hexane ext.), mg/L	N/A	10.0

[1] See Definitions.

[2] *E. coli* organisms from May 1 to September 30 shall not exceed a concentration of 630 per 100 milliliters as a geometric mean based on a minimum of five samples obtained during separate 24-hour periods for any calendar month. They shall not exceed 1,178 per 100 milliliters in any one sample from May 1 to September 30.

Effluent Characteristic	Effluent Limit	
	30-Day Average [1]	Daily Maximum [1]
Weak Acid Dissociable (WAD) Cyanide, µg/L	8.0	58.8
The pH of the discharge shall not be less than 6.5 standard units nor greater than 9.0 standard units in any sample.		
The discharge shall not impart a visible film or sheen to the surface of the water or adjoining shorelines.		
No chemicals, such as chlorine, shall be used without prior written permission.		
There shall be no Acute Whole Effluent Toxicity in the discharge, as measured by the WET test.		

3.6 Whole Effluent Toxicity Testing - Acute Toxicity

Effective immediately, the permittee shall, at least once prior to each discharge, conduct acute static renewal toxicity tests on a sample of the discharge before a discharge is initiated. The permittee is not required to sample for additional whole effluent toxicity in the discharge unless the duration of the discharge is three months or longer. If the discharge is three months or longer quarterly WET tests shall be conducted. Quarterly samples shall be collected on a two-day progression; i.e., if the first quarterly sample is on a Monday, during the next quarter, sampling shall be on a Wednesday, etc.

The static renewal toxicity test shall be conducted in accordance with the procedure set out in the latest revision of "Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms," Fifth Edition, October 2002 (EPA-821-R-02-012). The permittee shall conduct an acute 48-hour static toxicity test using *Ceriodaphnia dubia* and an acute 96-hour static toxicity test using *Pimephales promelas* (fathead minnows).

Acute toxicity occurs when 50 percent or more mortality is observed for either species at any effluent concentration. If more than 10 percent control mortality occurs, the test shall be repeated until satisfactory control survival is achieved.

If acute toxicity occurs during a discharge, the permittee must immediately cease discharging.

WET test data results shall be summarized on the latest revision of the "Region 8 Acute/Chronic Toxicity Test Report Format" form and shall be submitted along with the completed Discharge Monitoring Report (DMR) for the end of the calendar period during which the whole effluent toxicity test was run. The complete lab data packet does not need to be submitted with the DMR unless requested by SDDENR.

3.7 Chronic Toxicity Limit-Reopener Provision

This permit may be reopened and modified (following proper administrative procedures) to include chronic whole effluent toxicity limits if any other information or data are

developed indicating that chronic whole effluent toxicity limits are needed. Also see **Section 2.3** of this permit for additional whole effluent toxicity reopener provisions.

If acceptable to the permit issuing authority, and if in compliance with current regulations, this permit may be reopened and modified to incorporate TRE conclusion relating to additional numerical limits, a modified compliance schedule, and or modified whole effluent protocol.

3.8 Inspection Requirements

The permittee shall inspect its facility, equipment, and outfalls regularly as outlined below. The inspections shall be conducted to determine if a discharge is occurring, has occurred since the previous inspection, and/or if a discharge is likely to occur before the next inspection. In addition, the inspections shall be performed to determine if proper operation and maintenance procedures are being undertaken at the facility. The permittee shall maintain a notebook recording information obtained during the inspection.

1. **Facility Inspections.** The permittee shall inspect its wastewater treatment facility and discharge location on at least a **monthly** basis. During a discharge, the permittee shall inspect the facility and discharge location on at least a **daily** basis. At a minimum, the notebook shall include the following:

    a. Date and time of the inspection;
    b. Name of the inspector(s);
    c. The facility's discharge status;
    d. The measured amount of freeboard or water depth in each pond;
    e. Identification of operational problems and/or maintenance problems;
    f. Recommendations, as appropriate, to remedy identified problems;
    g. A brief description of any actions taken with regard to problems identified; and,
    h. Other information, as appropriate.

2. **Lift Station Inspections:** The permittee shall inspect the lift station on at least a **weekly** basis. The inspection shall be performed to determine if proper operation and maintenance procedures are being undertaken and verify no sanitary sewer overflows are occurring or have occurred. The permittee shall maintain a notebook recording information obtained during the inspection. At a minimum, the notebook shall include the following:

    a. Date and time of the inspection;
    b. Name of the inspector(s);
    c. Whether a sanitary sewer over is occurring or has occurred;
    d. Identification of operational problems and/or maintenance problems;
    e. Cleaning of screenings, if applicable;
    f. Testing of alarms, if applicable;
    g. Hour meter readings;
    h. Recommendations, as appropriate, to remedy identified problems;

i. A brief description of any actions taken with regard to problems identified; and,
j. Other information, as appropriate.

3. The permittee shall maintain the notebook(s) for the facility and each lift station in accordance with proper record-keeping procedures and shall make the notebook(s) available for inspection, upon request, by the Secretary or the U.S. EPA.

3.9 Capacity, Management, Operation, and Maintenance

In the event that the Secretary notifies the permittee of the need to develop a capacity, management, operation, and maintenance program in order to address, reduce, or eliminate the frequency of sanitary sewer overflows or emergency discharges, the permittee shall develop and submit the program to the Secretary. The program shall, at a minimum, address the following areas:

1. Sewer management program: This program includes personnel organizational structure, training, communication information systems, noncompliance notification program, and other appropriate items;

2. Collection system operation program: This program includes operational budgeting, monitoring, safety, emergency preparedness and response, pump stations, operational recordkeeping, and other appropriate items;

3. Collection system maintenance program: This program includes maintenance budgeting, planned and unplanned maintenance; sewer cleaning; maintenance recordkeeping, parts and equipment inventory, and other appropriate items; and

4. Sewer system capacity evaluation: The capacity evaluation includes the following:

   a. System inventory (sewer locations, sizes, slopes, materials, age, condition, etc.);

   b. Identification of problem areas (overflows, surcharged lines, basement backups, etc.);

   c. Capacity evaluation of problem areas (utilizing flow and precipitation records, infiltration and inflow investigation, manhole and pipe inspections and televising, smoke and dye testing, and building inspections); and

   d. Sewer rehabilitation recommendations.

5. Timelines: This program shall identify timelines and specific dates for completing any identified changes or improvements.

6. SDDENR Approval: The permittee shall submit the program to SDDENR for approval. Upon approval, the permittee shall implement the program.

4.0 MONITORING, RECORD KEEPING & REPORTING REQUIREMENTS

4.1 Pre-Discharge Sampling Requirements

The permittee must receive permission from SDDENR to discharge prior to the start of any discharge from the facility. If a discharge occurs without permission from SDDENR, then the discharge will be considered an unauthorized discharge (See **Section 4.8 – Emergency Releases, Sanitary Sewer Overflows, Upsets, and Unauthorized Releases Reporting Requirements**). The permittee shall collect a grab sample from each cell from which it will discharge and have the sample analyzed for the parameters listed below. The permittee shall call SDDENR at (605) 773-3351 to request permission for the discharge and shall provide SDDENR with the sample results for the acute static renewal toxicity test.

1. The request to discharge shall explain why a discharge is needed, when the discharge would start, the expected duration of the discharge, and the approximate volume of water to be discharged. The estimated flow condition of the receiving water shall also be reported (i.e. dry, low, normal, high).

2. No discharge shall occur until permission has been granted by the Secretary.

4.2 Interim Self-Monitoring Requirements

At a minimum, upon the effective date of this permit and lasting through **April 30, 2014**, all authorized discharges, sanitary sewer overflows, unauthorized releases, and emergency discharges shall be monitored for the following parameters at the frequency and with the type of measurement indicated. Knowingly discharging or failing to report a discharge within a reasonable time from the permittee first learning of a discharge could subject the permittee to penalties as provided under the South Dakota Water Pollution Control Act. The permittee shall report the monitoring results in accordance with **Section 4.7 – Reporting of Monitoring Results.**

Effluent Characteristic	Frequency	Reporting Values [1]	Sample Type [1]
Flow Rate, MGD	Three per discharge [2]	Daily Maximum; 30-Day Average	Instantaneous
pH, standard units	Three per discharge [2, 3]	Daily Minimum; Daily Maximum	Instantaneous [4]
Water Temperature, °C	Three per discharge [2, 4]	Daily Maximum; 30-Day Average	Instantaneous [5]
Chemical Oxygen Demand (COD), mg/L	Three per discharge [2]	Daily Maximum	Grab
Five-day Biochemical Oxygen Demand (BOD_5), mg/L	Three per discharge [2]	Daily Maximum	Grab
Ammonia-Nitrogen (as N), mg/L	Three per discharge [2, 4]	Daily Maximum; 30-Day Average	Grab [3]
Total Suspended Solids (TSS), mg/L	Three per discharge [2]	Daily Maximum	Grab
Fecal Coliform, no./100 mL	Three per discharge [2, 6]	Daily Maximum; 30-Day Geo Mean	Grab

Effluent Characteristic	Frequency	Reporting Values [1]	Sample Type [1]
E. coli, no./100 mL	Three per discharge [2, 6]	Daily Maximum; 30-Day Geo Mean	Grab
Oil and Grease, visual	Daily during a discharge	Presence or absence of sheen	Visual [7]
Oil and Grease (hexane ext), mg/L [8]	Contingent	Daily Maximum	Grab
Weak Acid Dissociable (WAD) Cyanide, µg/L [9]	One per Discharge	Daily Maximum; 30-Day Average	Grab
Total flow, million gallons	Monthly	Monthly Total	Calculated
Duration of Discharge, Days	Monthly	Monthly Total [10]	Calculated
Acute Whole Effluent Toxicity, TUa	Quarterly [11]	Pass/fail; Actual Value	Grab

[1] See Definitions in the proposed permit.

[2] A minimum of three samples shall be taken during any discharge. A sample shall be taken at the beginning, middle, and end of the discharge if the discharge is less than one week in duration. If a single, continuous discharge is greater than one week in duration, three samples shall be taken the first week and one each following week. All samples collected during the 7-day or 30-day period shall be used in determining the averages. The permittee always has the option of collecting additional samples if appropriate.

[3] The pH and temperature of the effluent shall be determined when ammonia samples are collected.

[4] The pH shall be taken within 15 minutes of sample collection with a pH meter. The pH meter must be capable of simultaneous calibration to two points on the pH scale that bracket the expected pH and are approximately three standard units apart. The pH meter must read to 0.01 standard units and be equipped with temperature compensation adjustment. Readings shall be reported to the nearest 0.1 standard units.

[5] The water temperature of the effluent shall be taken as a field measurement. Measurements shall be made with a mercury-filled, or dial type thermometer, or a thermistor. Readings shall be reported to the nearest whole degree Celsius.

[6] If a minimum of five samples are collected in a calendar month, all of the samples collected are to be used in determining the geometric mean. Samples are to be collected at the same time as BOD_5, TSS, etc. If less than five samples are taken during any calendar month, the maximum limit still applies. ***This sampling protocol for fecal coliform and* E. coli *only applies if the discharge occurs between May 1 and September 30.***

[7] In the event a sheen is observed in the discharge, a grab sample shall be immediately taken and analyzed for oil and grease (hexane ext.). The results of the sampling shall be reported to the department.

[8] A grab sample shall be taken if a visual sheen is observed and a concentration shall be determined using EPA method 1664A oil and grease hexane extraction.

[9] The WAD cyanide shall be tested using either the OIA- 1677 or Kelada 01 test methods.

[10] The date and time of the start and termination of each discharge shall also be reported in the comment section of the DMR.

[11] The Acute Whole Effluent Toxicity Test shall be taken prior to discharge. If the discharge lasts longer than three consecutive months, quarterly WET tests shall be conducted.

4.3 Final Self-Monitoring Requirements

At a minimum, upon **May 1, 2014,** and lasting through the life of the permit, all authorized discharges, sanitary sewer overflows, unauthorized releases, and emergency discharges shall be monitored for the following parameters at the frequency and with the type of measurement indicated. Knowingly discharging or failing to report a discharge within a reasonable time from the permittee first learning of a discharge could subject the permittee to penalties as provided under the South Dakota Water Pollution Control Act. The permittee shall report the monitoring results in accordance with **Section 4.7 – Reporting of Monitoring Results.**

Effluent Characteristic	Frequency	Reporting Values [1]	Sample Type [1]
Flow Rate, MGD	Three Per discharge [2]	Daily Maximum; 30-Day Average	Instantaneous
pH, standard units	Three Per discharge [2,3]	Daily Minimum; Daily Maximum	Instantaneous [4]
Water Temperature, °C	Three Per discharge [2, 4]	Daily Maximum; 30-Day Average	Instantaneous [5]
Chemical Oxygen Demand (COD), mg/L	Three Per discharge [2]	Daily Maximum	Grab
Five-day Biochemical Oxygen Demand (BOD_5), mg/L	Three Per discharge [2]	Daily Maximum	Grab
Ammonia-Nitrogen (as N), mg/L	Three Per discharge [2, 4]	Daily Maximum; 30-Day Average	Grab [3]
Total Suspended Solids (TSS), mg/L	Three Per discharge [2]	Daily Maximum	Grab
E. coli, no./100 mL	Three Per discharge [2, 6]	Daily Maximum; 30-Day Geo Mean	Grab
Oil and Grease, visual	Daily during a discharge	Presence or absence of sheen	Visual [7]
Oil and Grease (hexane ext), mg/L [8]	Contingent	Daily Maximum	Grab
Weak Acid Dissociable (WAD) Cyanide, µg/L [9]	One Per Discharge	Daily Maximum; 30-Day Average	Grab
Total flow, million gallons	Monthly	Monthly Total	Calculated
Duration of Discharge, Days	Monthly	Monthly Total [10]	Calculated
Acute Whole Effluent Toxicity, TUa	Quarterly [11]	Pass/fail; Actual Value	Grab

[1] See Definitions in the proposed permit.

[2] A minimum of three samples shall be taken during any discharge. A sample shall be taken at the beginning, middle, and end of the discharge if the discharge is less than one week in duration. If a single, continuous discharge is greater than one week in duration, three samples shall be taken the first week and one each following week. All samples collected during the 7-day or 30-day period shall be used in determining the averages. The permittee always has the option of collecting additional samples if appropriate.

[3] The pH and temperature of the effluent shall be determined when ammonia samples are collected.

[4] The pH shall be taken within 15 minutes of sample collection with a pH meter. The pH meter must be capable of simultaneous calibration to two points on the pH scale that bracket the expected pH and are approximately three

standard units apart. The pH meter must read to 0.01 standard units and be equipped with temperature compensation adjustment. Readings shall be reported to the nearest 0.1 standard units.

[5] The water temperature of the effluent shall be taken as a field measurement. Measurements shall be made with a mercury-filled, or dial type thermometer, or a thermistor. Readings shall be reported to the nearest whole degree Celsius.

[6] If a minimum of five samples are collected in a calendar month, all of the samples collected are to be used in determining the geometric mean. Samples are to be collected at the same time as BOD_5, TSS, etc. If less than five samples are taken during any calendar month, the maximum limit still applies. ***This sampling protocol for* E. coli *only applies if the discharge occurs between May 1 and September 30.***

[7] In the event a sheen is observed in the discharge, a grab sample shall be immediately taken and analyzed for oil and grease (hexane ext.). The results of the sampling shall be reported to the department.

[8] A grab sample shall be taken if a visual sheen is observed and a concentration shall be determined using EPA method 1664A oil and grease hexane extraction.

[9] The WAD cyanide shall be tested using either the OIA- 1677 or Kelada 01 test methods.

[10] The date and time of the start and termination of each discharge shall also be reported in the comment section of the DMR.

[11] The Acute Whole Effluent Toxicity Test shall be taken prior to discharge. If the discharge lasts three months or longer, quarterly WET tests shall be conducted.

4.4 Representative Sampling

Samples taken in compliance with the monitoring requirements established under this permit shall be collected from the effluent stream prior to discharge into the receiving waters. Samples and measurements shall be representative of the volume and nature of the monitored discharge.

4.5 Monitoring Procedures

1. Effluent samples taken in compliance with the monitoring requirements established under this permit shall be collected prior to discharge into the receiving waters. Samples and measurements shall be representative of the volume and nature of the monitored discharge.

2. Monitoring shall be conducted according to test procedures approved under ARSD Section 74:52:03:06 (a.b.r. 40 CFR, Part 136), unless other test procedures have been specified in this permit or approved by the Secretary.

4.6 Additional Monitoring by the Permittee

If the permittee monitors any pollutant more frequently than required by this permit at the designated points, using test procedures approved under ARSD Section 74:52:03:06 (a.b.r. 40 CFR 136) or as specified in this permit, the results of this monitoring shall be used in determining compliance with this permit and reported to SDDENR.

4.7 Reporting of Monitoring Results

1. Effluent monitoring results obtained during the previous three months shall be summarized for each month, reported on separate Discharge Monitoring Report Forms (as defined in **Section 1.0 - Definitions**), and submitted to SDDENR on a **quarterly** basis. These must be submitted no later than the 28th day of the month

following the completed reporting period. If no discharge occurs during the reporting period, "no discharge" shall be reported. Legible copies of these, and all other reports required herein, shall be signed and certified in accordance with **Section 4.12 – Signatory Requirements** and submitted to the Secretary at the following address:

South Dakota Department of Environment and Natural Resources
Surface Water Quality Program
PMB 2020
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3182

2. In accordance with SDCL 1-40-39, the Secretary is authorized to accept a document with an electronic signature. SDDENR shall provide for the authenticity of each electronic signature by adhering to any standards established by the South Dakota Bureau of Information and Telecommunications pursuant to SDCL 53-12-47 and 53-12-50 or any other standards established by rules promulgated pursuant to SDCL Chapter 1-26.

4.8 Emergency Releases, Sanitary Sewer Overflows, Upsets, and Unauthorized Releases Reporting Requirements

1. The permittee shall report any emergency related to this permit or permitted facility that may endanger health or the environment as soon as possible, but no later than 24 hours after becoming aware of the circumstances as follows:

   a. During regular business hours (8:00 a.m. - 5:00 p.m. Central Time), the report shall be made at (605) 773-3351.

   b. Outside of normal business hours, the permittee shall contact the South Dakota Emergency Management at (605) 773-3231.

2. Sanitary sewer overflows, emergency discharges, upsets, and other unauthorized releases that do not meet the conditions of Paragraph 1 above shall be reported to the Secretary within 24 hours from the time the permittee becomes aware of the circumstances as follows:

   a. During regular business hours (8:00 a.m. - 5:00 p.m. Central Time), the report shall be made at (605) 773-3351.

   b. Outside of normal business hours, the permittee shall leave a message at 1-800-GET-DENR (1-800-438-3367).

3. Anticipated releases shall be reported to the Secretary in advance, if possible.

4. The Secretary may require the permittee to notify the general public or downstream users that could be or will be impacted by the emergency discharge.

   a. In making the decision to require public notification, the Secretary will consider the potential impacts as a result of the discharge, the downstream beneficial uses (such as drinking water or recreation), and the potential for public contact.

b. If required by the Secretary, the permittee shall notify the public and/or downstream users as soon as possible, but in no case more than 24 hours after the discharge begins.

5. In addition to verbal notification, the permittee shall submit a written report of the circumstances regarding the sanitary sewer overflow, emergency discharge, or other unauthorized release to the Secretary using the Emergency Release Reporting Summary Form in Appendix A.

   a. Reports shall be submitted to the address listed in **Section 4.7 – Reporting of Monitoring Results**.

   b. The written submission shall contain:

      i. A description of the event and its cause;
      ii. The period of the event, including exact dates and times;
      iii. Where the wastewater was discharged;
      iv. The estimated time the event is expected to continue if it has not been corrected;
      v. Any adverse effects, such as fish kills;
      vi. If public notification was required, describe how the public was notified of the discharge; and
      vii. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the event.

   c. The written report shall be submitted by the 28th day of the following month. The Secretary may require a written report to be submitted sooner or may require additional information if the discharge has the potential to impact human health or the environment.

4.9 Bypass Reporting

1. The permittee may allow anticipated bypasses to occur that do not result in a discharge and will not result in a violation of the effluent limits, but only if for essential maintenance to ensure efficient operation.

2. The permittee shall submit notice of bypass as follows:

   a. Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice to the Secretary at least 10 days before the date of the bypass.

   b. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass to the secretary at (605) 773-3351 by the first workday (8:00 a.m. – 5:00 p.m. Central Time) following the day the permittee became aware of the circumstances.

4.10 Notification of Toxic Pollutants

The permittee shall notify the Secretary if any discharge of toxic pollutants has occurred or will occur. Notification is required if the permit does not contain a limit for the toxic pollutant and if the pollutant will exceed one of the following notification levels, as appropriate:

1. Two hundred micrograms per liter (200 μg/L) for acrolein and acrylonitrile;

2. Five hundred micrograms per liter (500 μg/L) for 2,4-dinitrophenol and for 2-methyl-4, 6-dinitrophenol;

3. One milligram per liter (1 mg/L) for antimony;

4. Five (5) times the maximum concentration value reported for that pollutant in the permit application: or

5. One hundred micrograms per liter (100 μg/L) for all other parameters.

4.11 Records Contents

Records of monitoring information shall include:

1. The date, exact place, and time of sampling or measurements;

2. The initials or names of the individuals who performed the sampling or measurements;

3. The dates analyses were performed;

4. The time analyses were initiated;

5. The initials or names of individuals who performed the analyses;

6. References and written procedures, when available, for the analytical techniques or methods used; and,

7. The results of such analyses, including the bench sheets, instrument readouts, computer disks or tapes, etc., used to determine these results.

4.12 Signatory Requirements

1. All permit applications, reports or information submitted to the Secretary shall be signed and certified by either a principal executive officer or ranking elected official.

    a. For a corporation: by a responsible corporate officer;

    b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively;

    c. For a municipality, State, Federal, or other public agency: by either a principal executive officer or ranking elected official.

2. All reports required by the permit and other information requested by the Secretary shall be signed by a person described in paragraph 1 of this section or by a duly authorized representative of that person. A person is a duly authorized representative only if:

    a. The authorization is made in writing by a person described above and submitted to the Secretary; and,

    b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the

position of superintendent or equivalent responsibility, or an individual or position having overall responsibility for environmental matters. A duly authorized representative may be either a named individual or any individual occupying a named position.

3. If an authorization under paragraph 2 a. above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization must be submitted to the Secretary.

4. Any person signing a document under this section shall make the following certification:

> *I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.*

4.13 Retention of Records

1. The permittee shall retain records of all monitoring information and other data required by this permit. This includes:

   a. Data collected on site;

   b. Copies of all Discharge Monitoring Report Forms;

   c. A copy of the permit;

   d. All calibration and maintenance records;

   e. All original strip chart recordings for continuous monitoring instrumentation;

   f. Copies of all other reports required by this permit; and

   g. Records of all data used to complete the application for this permit.

2. This information must be retained for a period of at least **three years** from the date of the sample, measurement, report, or application. This period may be extended by request of the Secretary at any time. Data collected on site, copies of Discharge Monitoring Reports, and a copy of this permit must be maintained on site during the duration of the permitted activity.

4.14 Availability of Reports

Except for data determined to be confidential under ARSD Section 74:52:02:17, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the office of SDDENR. The name and address of the permittee, permit

applications, notices of intent, permits, and effluent data shall not be considered confidential.

4.15 Duty to Provide Information

1. The permittee shall furnish to the Secretary, within a reasonable time, any information the Secretary may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Secretary, upon request, copies of records required to be kept by this permit.

2. If the permittee becomes aware that it failed to submit any relevant facts in a permit application form, or submitted incorrect information in a permit application form or any report to the Secretary, it shall promptly submit such facts or information.

4.16 Planned Changes

The permittee shall give notice to the Secretary as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when the alteration or addition could significantly change the nature or increase the quantity of pollutant discharged, or could result in noncompliance with permit conditions. This notification also applies to pollutants that are not subject to effluent limits or other notification requirements in this permit.

5.0 COMPLIANCE REQUIREMENTS

5.1 Duty to Comply

The permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the South Dakota Water Pollution Control Act and the federal Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application (a violation of a condition of this permit is subject to SDCL Section 34A-2-75).

5.2 Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any wastewater discharge and/or sludge disposal or reuse in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.

5.3 Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

5.4 Upset Conditions

1. An upset constitutes an affirmative defense to an action brought for noncompliance with technology based permit effluent limits if the requirements of Paragraph 2 of this section are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review (i.e., Permittees will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with technology-based permit effluent limits).

    a. Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

        i. An upset occurred and that the permittee can identify the cause(s) of the upset;

        ii. The permitted facility was at the time being properly operated;

        iii. The permittee submitted notice of the upset as required under **Section 4.8 – Emergency Releases, Sanitary Sewer Overflows, Upsets, and Unauthorized Releases Reporting Requirements**; and,

        iv. The permittee complied with mitigation measures required under **Section 5.2 – Duty to Mitigate.**

2. Burden of proof. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

5.5 Penalties for Violations of Permit Conditions

Any person who violates a permit condition is in violation of the provisions of SDCL 34A-2-36, and is subject to penalties under SDCL 34A-2-75. In addition to a jail sentence authorized by SDCL 22-6-2, such violators are subject to a criminal fine not to exceed ten thousand dollars per day of violation. The violator is also subject to a civil penalty not to exceed ten thousand dollars per day of violation, or for damages to the environment of this state. Except as provided in **Section 5.4 – Upset Conditions**, nothing in this permit shall be construed to relieve the permittee of the civil or criminal penalties for noncompliance.

5.6 Penalties for Falsification of Reports

1. Any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance, is in violation of the provisions of SDCL 34A-2-77, and is subject to penalties under SDCL 34A-2-75.

2. Any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit is in violation of the provisions of SDCL 34A-2-77, and is subject to penalties under SDCL 34A-2-75.

3. In addition to a jail sentence authorized by SDCL 22-6-2, such violators are subject to a criminal fine not to exceed ten thousand dollars per day of violation. The violator is also subject to a civil penalty not to exceed ten thousand dollars per day of violation, or for damages to the environment of this state.

5.7 Toxic Pollutants

The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Federal Clean Water Act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

5.8 Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude SDDENR from taking any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to that the permittee is or may be subject under section 311 of the Federal Clean Water Act.

6.0 ADDITIONAL PERMIT CONDITIONS

6.1 Inspection and Entry

The permittee shall allow the Secretary or EPA, upon the presentation of credentials and other documents as may be required by law, to:

1. Enter the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;

2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and,

4. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the South Dakota Water Pollution Control Act, any substances or parameters at any location.

6.2 Removed Substances

1. Collected screenings, grit, solids, sludges, or other pollutants removed in the course of treatment shall be disposed of in such a manner so as to prevent any pollutant from entering any waters of the state or creating a health hazard in accordance with applicable requirements of SDCL 34A-2, -6, and -11.

2. Sludge/digestor supernatant and filter backwash shall not be directly blended with or enter either the final plant discharge and/or waters of the State.

APPENDIX A

Emergency Release Reporting Form

EMERGENCY RELEASE REPORTING FORM

This form is to be used to summarize the reporting requirements for any emergency discharge or unauthorized discharge from the permitted facility.

Address:			
Facility Contact:		**Phone:**	

Description of Event

(Attach additional sheets if necessary)

Please check the boxes below, as appropriate, to indicate the type of emergency release being reported (See* Definitions *for an explanation of each term).

☐ **Emergency Discharge** ☐ **Unauthorized Release**

Date and Time the discharge began or was discovered:	
Date and Time the discharge was stopped:	

Describe the events resulting in the discharge and its cause(s):

Where was the wastewater discharged:

Describe the steps taken or planned to reduce, eliminate, and prevent reoccurrence:

Time and Date 24-Hour Notice of Noncompliance given to SDDENR:	
Describe any adverse effects, such as fish kills, etc.:	
Duration of discharge (include dates and times):	
Total flow, million gallons:	

ANALYTICAL RESULTS

Parameter	Sample 1	Sample 2	Sample 3	Sample 4	Sample 5	Sample 6	Sample 7
Flow Rate, gallons per minute (MGD)							
pH, standard units							
Chemical Oxygen Demand (COD, mg/L)							
Five-day Biochemical Oxygen Demand (BOD_5, mg/L)							
Ammonia-Nitrogen (as N), mg/L							
Total Suspended Solids (TSS, mg/L)							
Water Temperature, °C							
Fecal Coliform, no./100 mL (until April 30, 2014)							
E. coli, no./100 mL							
Oil and Grease, visual							
Oil and Grease (hexane ext), mg/L							
Weak Acid Dissociable (WAD) Cyanide (µg/L)							

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Name (print): _____ Title: _____

Signature: _____ Date: _____